

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 8:23-CV-00416
	)	
GENERAL DYNAMICS CORPORATION and	)	
DOW CHEMICAL COMPANY,	)	
	)	
Defendants.	)	
_____	)	

**THE DOW CHEMICAL COMPANY’S UNOPPOSED  
EMERGENCY MOTION TO EXTEND CASE DEADLINES**

Pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure, Defendant the Dow Chemical Company (“Dow”) moves to extend the deadlines in Paragraph 1 of the Second Amended Case Progression Order entered by this Court on April 15, 2025 (Dkt. 309). In support hereof, Dow states:

1. In response to a June 26, 2025 request by Plaintiff, on Monday, July 7, 2025, General Dynamics Corporation (“GD”) made a production of recently discovered documents, including approximately 700 pages of previously unproduced records related to Dow Industrial Service’s work at the NOP that is a subject of this litigation (the “July 7 Production”).

2. While Dow has invested substantial efforts to review and analyze the July 7 Production in the truncated period of time available prior to filing of rebuttal expert reports, Dow believes that a limited extension of dates related to expert reports and impacted case deadlines will benefit all parties and reduce any risk that tendered expert reports may need to be amended in the future as a result of the timing of the July 7 Production.

3. Dow has conferred with Plaintiff and GD, and they do not oppose the relief requested in this motion provided, however, that the parties specifically acknowledge and agree that the extension of the deadlines set forth below shall not affect the September 24, 2025 status conference currently set to be heard before the Magistrate Judge. In addition, GD objects to any

effort by any party to rely on this extension as a basis for any future extensions of time.<sup>1</sup>

4. The United States has requested that the following statement be added to this motion—the United States notes that Dow’s Emergency Motion to Extend Case Deadlines does not address the current deadline for production of declassified documents—October 10, 2025. ECF No. 312. As the United States has informed GD and Dow, the key point of contact for the United States’ declassification efforts in this matter in the Air Force Declassification Office recently and unexpectedly passed away. The United States is still assessing the impacts on its declassification efforts, but anticipates that it may move the Court to extend the declassification deadline in the future.

5. This motion is made without prejudice to any party’s right to seek any future extension of any deadline in the case progression order or to oppose any such request.

WHEREFORE, for good cause shown, Dow respectfully requests that the Court enter its proposed Third Amended Case Progression Order, modifying the deadlines in Paragraph 1 of the Second Amended Case Progression Order, as follows:

<b>Deadline</b>	<b>Current</b>	<b>Proposed</b>
Rebuttal expert disclosures	July 11, 2025	July 25, 2025
Sur-rebuttal expert disclosures	August 22, 2025	September 5, 2025
Expert depositions	October 3, 2025	October 17, 2025
Daubert motions	October 30, 2025	November 13, 2025
Dispositive motions	November 21, 2025	December 5, 2025

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<sup>1</sup> GD requested that the following footnote be added to this Motion: During the April 24, 2025 hearing before the Magistrate Judge, the Magistrate Judge stated that “from the court’s perspective, this case will need to be tried no later than September of 2026” and GD does not view this extension of time as having any impact on a September 2026 trial date.

Dated July 10, 2025

THE DOW CHEMICAL COMPANY, Defendant

/s/ Jaran R. Moten

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 10, 2025, I caused copies of defendant The Dow Chemical Company's Unopposed Emergency Motion to Extend Case Deadlines to be served by email, on:

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Dated: July 10, 2025

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